



MONROE COUNTY LAND AUTHORITY

1200 TRUMAN AVENUE, SUITE 207 • KEY WEST, FLORIDA 33040
PHONE (305) 295-5180 • FAX (305) 295-5181

MEMORANDUM

To: James Roberts, County Administrator
From: Mark Rosch, Executive Director *MR*
Monroe County Land Authority
Date: June 25, 2004
Subject: Land Authority Agenda Items for July 14, 2004 BOCC Meeting

Please include the following items on the Board of County Commissioners agenda for the above referenced meeting at a time approximate of 10:00 AM.

LAND AUTHORITY GOVERNING BOARD

1. Approval of minutes for the June 16, 2004 meeting
2. Approval to waive the marketability of title requirement in three conservation land transactions.

J1 / J2

**LAND AUTHORITY GOVERNING BOARD
AGENDA ITEM SUMMARY**

Meeting Date: July 14, 2004

Bulk Item: Yes ☐ No ☒

Department: Land Authority

Agenda Item Wording: Approval of minutes for the June 16, 2004 meeting.

Item Background: None.

Advisory Committee Action: N/A

Previous Governing Board Action: None.

Contract/Agreement Changes: N/A

Staff Recommendation: Approval.

Total Cost: \$ _____


Budgeted: Yes ☐ No ☐.

Cost to Land Authority: \$ _____

Source of Funds: _____.

Approved By: Attorney ☐ County Land Steward ☐.

Executive Director Approval: _____


Mark J. Rosch

Documentation: Included: ☒

To Follow: ☐

Not Required: ☐.

Disposition: _____

Agenda Item LA #1

MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
GOVERNING BOARD

June 16, 2004 Meeting Minutes

The Governing Board of the Monroe County Comprehensive Plan Land Authority held a regular meeting on Wednesday, June 16, 2004 at the Marathon Government Center located at 2798 Overseas Highway, Marathon, Florida. Chairman David Rice called the meeting to order at 10:20 AM. Present and answering roll call, in addition to Chairman Rice, were Commissioner Sonny McCoy, Mayor Murray Nelson, Commissioner George Neugent, and Commissioner Dixie Spehar. Also in attendance were Executive Director Mark Rosch, Counsel Larry Erskine, Office Manager Kimberly Nystrom, and members of the press and public.

The first item on the agenda was approval of minutes for the May 19, 2004 meeting. A motion was made by Commissioner Neugent and seconded by Commissioner Spehar to approve the minutes as submitted. There being no objections, the motion carried (5/0).

The next item was approval to add Falcon Pass Apartments in Marathon to the Acquisition List for affordable housing in partnership with Florida Housing Finance Corporation and the Carlisle Group. Mr. Rosch addressed the Board. A motion was made by Commissioner Neugent and seconded by Mayor Nelson to approve the item as submitted. Roll call was as follows: Commissioner McCoy, yes; Mayor Nelson, yes; Commissioner Neugent, yes; Commissioner Spehar, yes; and Chairman Rice, yes. Motion carried (5/0).

The next item was approval of a resolution authorizing restoration of a parcel of Land Authority property as mitigation for wetland impacts at the Key West Airport. Mr. Rosch addressed the Board. A motion was made by Commissioner Spehar and seconded by Mayor Nelson to approve the resolution as submitted. Roll call was as follows: Commissioner McCoy, yes; Mayor Nelson, yes; Commissioner Neugent, yes; Commissioner Spehar, yes; and Chairman Rice, yes. Motion carried (5/0). [Resolution 03-2004]

The next item was approval of a resolution authorizing the purchase and conveyance of the Heron House for affordable housing in partnership with the US Fellowship of Florida. Mr. Rosch addressed the Board. A motion was made by Commissioner Neugent and seconded by Commissioner McCoy to approve the resolution as submitted. Nelson Read, representing the US Fellowship of Florida, addressed the Board. Following Board discussion, roll call was as follows: Commissioner McCoy, yes; Mayor Nelson, yes; Commissioner Neugent, yes; Commissioner Spehar, yes; and Chairman Rice, yes. Motion carried (5/0). [Resolution 04-2004]

The next item was approval of the 2004 Acquisition List. Mr. Rosch addressed the Board. A motion was made by Commissioner Neugent and seconded by Mayor Nelson to approve the list as submitted. Roll call was as follows: Commissioner McCoy, yes; Mayor Nelson, yes; Commissioner Neugent, yes; Commissioner Spehar, yes; and Chairman Rice, yes. Motion carried (5/0).

The next item was approval to purchase property in Windward Beach Estates. The legal description was Block 6, Lot 16, Windward Beach Estates (PB 4-131) and the total estimated cost was \$5,573.50. Mr. Rosch addressed the Board. A motion was made by Mayor Nelson

and seconded by Commissioner Neugent to approve the purchase as submitted. There being no objections, the motion carried (5/0).

The next item was approval of a resolution authorizing the purchase and conveyance of 406 Julia Street for affordable housing in partnership with the Bahama Conch Community Land Trust. Mr. Rosch addressed the Board. A motion was made by Commissioner Neugent and seconded by Mayor Nelson to approve the resolution as submitted. Roll call was as follows: Commissioner McCoy, yes; Mayor Nelson, yes; Commissioner Neugent, yes; Commissioner Spehar, yes; and Chairman Rice, yes. Motion carried (5/0). [Resolution 05-2004]

The next item was a report on Tradewinds Hammocks Phase II. Mr. Rosch distributed a proposed resolution authorizing modification of the property's deed restriction upon repayment of the Land Authority's loan. Mr. Rosch addressed the Board. A motion was made by Commissioner Spehar and seconded by Commissioner McCoy to approve the resolution as submitted. Counsel Erskine addressed the Board. Following Board discussion, roll call was as follows: Commissioner McCoy, yes; Mayor Nelson, yes; Commissioner Neugent, yes; Commissioner Spehar, yes; and Chairman Rice, yes. Motion carried (5/0). [Resolution 06-2004]

There being no further business, the meeting was adjourned at 10:46 AM.

Minutes prepared by:



Mark J. Rosch
Executive Director

Approved by the Board on: _____

**LAND AUTHORITY GOVERNING BOARD
AGENDA ITEM SUMMARY**

Meeting Date: July 14, 2004

Bulk Item: Yes ☐ No ☒

Department: Land Authority

Agenda Item Wording: Approval to waive the marketability of title requirement in three conservation land transactions.

Item Background: This item is proposed to resolve closing issues in three transactions for the purchase of conservation land in Largo City, Palma Sola, and Windward Beach Estates subdivisions. In each case the title held by the Seller fails to meet the marketability standards of the Florida Bar and the Seller is either unable or unwilling to correct the title defect. See the attached memo for further details.

Staff is requesting authorization from the Board to waive the marketability of title requirement for each of these transactions and accept the property title "as is." This recommendation is based on a relatively low risk of title claims, a relatively small financial exposure, public ownership of adjoining property, and the need to resolve property rights issues.

Advisory Committee Action: To be considered at July 29, 2004 meeting.

Previous Governing Board Action: The Board waived the marketability of title requirement in one other instance, which involved a lot in Largo City subdivision on December 17, 2003.

Contract/Agreement Changes: N/A

Staff Recommendation: Approval, subject to the consent of the Advisory Committee on July 29.

Total Cost: No additional cost

Budgeted: Yes ☐ No ☐.

Cost to Land Authority: ☐

Source of Funds: ☐

Approved By: Attorney ☒ County Land Steward ☐.

Executive Director Approval: 

(Mark J. Rosch)

Documentation: Included: ☒

To Follow: ☐

Not Required: ☐.

Disposition: ☐

Agenda Item LA #2



MONROE COUNTY LAND AUTHORITY

1200 TRUMAN AVENUE, SUITE 207 • KEY WEST, FLORIDA 33040
PHONE (305) 295-5180 • FAX (305) 295-5181

MEMORANDUM

TO: Land Authority Governing Board
Land Authority Advisory Committee

FROM: Mark Rosch, Executive Director *MR*
Larry Erskine, Legal Counsel *LE*

DATE: June 24, 2004

SUBJECT: Marketability of Title Issues

Summary

Staff is requesting authorization from the Board and the Advisory Committee to waive the marketability of title requirement for three transactions and to accept the property title "as is." This recommendation is based on a relatively low risk of title claims, a relatively small financial exposure, public ownership of adjoining property, and the need to resolve property rights issues.

Details

The Land Authority has entered into purchase agreements for the following conservation lands:

<u>Seller</u>	<u>Property</u>	<u>Purchase Price</u>	<u>Nature of Defect</u>
Don and Merri Wehe	Block 3, Lot 15 Largo City subdivision Key Largo	\$7,532.50	Tax deed
Doris E. Cosgrove	Block 6, Lots 8 and 9 Palma Sola subdivision Tavernier	\$12,650.00	Requires ancillary probate in Florida
Jack and Ruth Norris	Block 2, Lots 32-35 Winward Beach Estates Little Torch Key	\$2,000.00	Gap in chain of title

In each case the title held by the Seller fails to meet the marketability standards of the Florida Bar and the Seller is either unable or, given the relatively small purchase price involved, unwilling to correct the title defect.

- In the case of the Wehe transaction, the Seller obtained title via a tax deed in 2002. In order to convey marketable title, the Seller needs to obtain a conveyance from the prior owner or file a suit to quiet title. However, if no valid claims to the title are filed by 2006, the passage of time will also cure this defect. To close this transaction, staff proposes to review the Clerk's file to confirm the tax sale was properly noticed and to accept a deed from the Seller.
- In the case of the Cosgrove transaction, the Seller is deceased. Although the heirs have probated Ms. Cosgrove's will in California, they have not conducted the ancillary probate proceedings in Monroe County necessary to pass marketable title to the Palma Sola property. To close this transaction, staff proposes to obtain deeds from all heirs to the property identified in the California probate documents.
- In the case of the Norris transaction, there is a gap in the chain of title between the last valid deed and the Seller's deed. This gap results from the omission of the subject lots, perhaps inadvertently, from a group of lots in a trustee's deed recorded immediately prior to the bankruptcy of a prior owner in 1974. The Seller's deed has been recorded since 1983 with no adverse claims of record. To close this transaction, staff proposes to accept a deed from the Seller.

For each of the above transactions, staff feels that the risk associated with closing "as is" is acceptably low under the circumstances. Each of the subject properties is within an environmentally sensitive area and adjoins other properties owned by the Land Authority. Each of the subject properties would be difficult to develop due to the County's zoning and/or environmental regulations. In the worst case scenario of successful third party claims against the Land Authority's title in all three transactions, the Land Authority's total financial exposure for the seven lots at issue would not exceed \$24,400.